

## REMARKS

Reconsideration of the application, as amended, is respectfully requested.

A copy of the abstract presented previously is enclosed on a separate piece of paper.

Freezer cabinets are useful for displaying and selling frozen confections. Not surprisingly, they tend to maintain all the product at approximately the same temperature and, therefore, are not designed for different products which are to be kept at different temperatures.

The present invention is directed to a display and dispensing assembly for products to be stored at a higher temperature ( $T_2$ ) for use in combination with a freezer cabinet which has a lower internal temperature  $T_1$ . The invention facilitates adaptation of a freezer cabinet to storage of an additional product at a higher temperature without necessitating a second freezer cabinet.

The display and dispensing assembly of the invention comprises a housing located externally of the freezer cabinet, a chamber within the housing in which products can be stored and from which they can be dispensed, the products being stored at a temperature of  $T_2$  which is higher than  $T_1$ , the temperature used in the freezer cabinet, first heat transfer means within the housing, second heat transfer means intended to be placed inside the freezer cabinet, means for circulating a heat transfer fluid through the first and second heat transfer means, the assembly being removable from the freezer cabinet and cooled by a heat transfer fluid which is pumped external to the freezer cabinet.

The Office cites the Jirel patent which discloses a cooler 14 disposed above a freezer. With applicants' arrangement the display and dispensing assembly may be adjacent rather than above the freezer. The Office points to 46 as being a second heat transfer means in the Jirel patent. However, the Office does not point to a means for circulating a heat transfer fluid through the first heat transfer means and through 46 of Jirel. It would be appreciated if the Office would withdraw or clarify at least this aspect of the rejection. Moreover, the second heat transfer means of claim 1 is part of the removable display and dispensing assembly, whereas 46 appears to be a fixed part of the freezer.

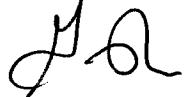
The Office acknowledges that Jirel does not disclose a heat transfer fluid pumped external to the freezer cabinet. This further distinguishes the present invention from that of Jirel. Use of tubing by Jirel would appear to require a quite different structure and it is not apparent why one of ordinary skill would make such a radical change to Jirel in the absence of hindsight from the present disclosure. The fact that the Office points to Lane's teaching of a display case with an external fluid delivered by the pump would not be sufficient to make obvious a change in the entire design of Jirel. Moreover, what would be the purpose of having Jirel's fluid piped outside of the containers since Jirel is trying to use the temperature of the freezer to cool the cooler.

The dependent claims and new claim 16 recite more specific aspects of the invention, especially features such as use of pipework for the heat transfer means, use of a heat transfer fluid which has a freezing point, use of flexible tubes and use of a casing of thermally conductive material. Even less are these aspects of the invention suggested by Jirel or Jirel/Lane et al.

An Supplemental Information Disclosure Statement will be filed shortly.

In view of the foregoing, it is respectfully requested that the application, as amended,  
be allowed.

Respectfully submitted,



---

Gerard J. McGowan, Jr.  
Registration No. 29,412  
Attorney for Applicant(s)

GJM/mpk  
(201) 894-2297